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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/764,691

01/18/2001

David W. Bell

2047-179

6901

31835

7590

09/02/2003

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EXAMINER

RAEVIS, ROBERT R

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

12

Office Action Summary	Application No	Applicant(s)	
	09/764,691	BELL, DAVID W.	
	Examiner	Art Unit	
	Robert R. Raevis	2856	

-- Th MAILING DATE of this communication appears on the cov r sheet with the correspondenc addr ss --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claims 1-6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Long.

Long teaches a mandrel for engagement with the interior wall of a pipette tip, including (Figures 3, 5): hollow structure 124; lead-in portion 176 on a distal end; first cylindrical portion (lower part of element 158) having a band 166 for contacting the interior wall of the tip to form a seal; and a second cylindrical portion (upper part of element 158).

As to claim 1; element 158 has portions.

As to claim 2; note the tapering of elements 176, 178 and 168.

As to 3; Long teaches a first cylindrical portion (lower part of element 72) that includes a first raised band 178, lead in portion 180, and second cylindrical portion (upper part of 72 and lower part of 158) that supports a second raised band 166.

As to claim 3; elements 178 and 166 appear to be bands, as at least portions of each extend beyond the cylindrical portions of the mandrel.

As to claim 4; note reference to "seals" (col. 7, line 48).

As to claims 5 and 6; note the tapered portion 168.

Claims 7, 8, 13, 16 and 18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Franke et al.

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Franke et al teach (Figure 3) an assembly, including: tip having a conical head and cylindrical wall; hollow mandrel including a lead in (lowermost) portion, cylindrical portion with a raised band 34.

As to claims 7, 16 and 18; the bead 34 appears to be a band.

As to claim 8; the tip has an internal diameter along its entire length.

As to claim 13; the mandrel includes cylindrical portions both adjacent the bead 34 and adjacent the flange 32.

Claims 7-10, 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Long.

Williams teaches (Figure 7) a pipette assembly including both a tip 221 with cylindrical wall and mandrel 17; but positions the seal(s) (band(s)) on the tip and not on the mandrel.

As to claims 7, 8, 13-18; it would have been obvious to utilize Long's multi-band mounted mandrel in place of William's band mounted tip because Long teaches that mandrel's many readily carry bands to provide for sealing of a tip to the assembly.

As to claims 9, 10; note the stop 275 of Williams.

As to Applicant's REMARKS, consider the following:

As to p. 7 line 1-4; please look at Figures 3 and 5 of Long. Band 166 is a protuberance which "extends from the outer surface of the holder sidewall 158" (italics and underlining added, col. 7, line 30-31), and the protuberance 166 is a "snap-lock" (col. 7, line 13). Thus, the portion 158 of the stem 72 below (or under) the protuberance corresponds to the "first cylindrical portion", and the portion of the stem 72 immediately above the protuberance corresponds to the claimed "second cylindrical portion". Each of the two cylinder portions has its own diameter.

As to p. 7, last paragraph, and continuing on to bottom of p. 8, the reason for the 102/103 rejection rationale rests upon interpretation of the term "portion". While Long's element 158 certainly appears to be an aggregation of portions, the reference's teaching of an elongated element 158 suggests use of any elongated member that includes portions.

As to p. 12, lines 2-4; Franke's mandrel includes cylindrical portions both above and below the band 34. As in the paragraph immediately above, the reason for the 102/103 rejection rationale rests upon interpretation of the term "portion". While Franke's mandrel certainly appears to be an aggregation of portions, the reference's teaching of an elongated suggests use of any elongated member that includes portions.

As to p. 15, last two lines, and continuing on to p. 16, line 3; William's mandrel 17 expressly is illustrated (in Figure 7) as including first and second cylindrical portions.

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As to p.16, second paragraph; secondary reference Long teaches that bands may be employed on the mandrel (in lieu of the pipette tip) to provide for a secure tip/mandrel seal, suggestive of application of the bands on William's mandrel.

As to p. 17, lines 5-8; it is noted that Applicant recognizes that the claims are not limited such that the two portions have dissimilar exterior diameters.

Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 703-305-4919. The examiner can normally be reached on Monday to Friday from 6:30am to 4:00pm.

Robert R. Raevis
RAEVIS
A-2856